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09/657,234	09/07/2000	James Patrick Allen	ROC9-2000-0220-US1	1600
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Joan Pennington 535 North Michigan Avenue Unit 1804 Chicago, IL 60611				
			EXAMINER	
			ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2143	
			MAIL DATE	DELIVERY MODE
			09/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/657,234

Applicant(s)

ALLEN ET AL.

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6, and 8 - 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6, and 8 - 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 – 4, 6, and 8 – 18 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6 and 8 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunlock (6952734) in view of Berman (7012914) in further view of McCarty (6356944) and T11/99-594v2.

4. Referencing claim 1, as closely interpreted by the Examiner, Gunlock teaches a storage area network (SAN) configuration method via enabling in-band communications comprising the steps of:

5. utilizing a SAN application for managing and configuring the storage area network, (e.g., col. 8, lines 1 – 48);

6. said SAN application for communicating with at least one SAN-connected host system and for communicating with a host bus adapter (HBA) device driver, (e.g., col. 8, lines 1 – 48), and

7. providing a pass through in said HBA device driver for passing communications to a designated device in the storage area network from said SAN application including at least one topology analysis command, (e.g., col. 8, lines 1 – 48),
8. said at least one topology analysis command including a command to get interconnect information and a command to get topology information, (e.g., col. 8, lines 1 – 48);
9. but does not specifically teach a type of management program;
10. providing said pass through includes providing at least a transport pass through and an extended link service (ELS) pass through;
11. each of said transport pass through and said extended link service (ELS) pass through being a binary pass through, each taking applied commands and passing said commands to said designated device in the storage area network.
12. Berman teaches a type of management program, (e.g., col. 11, lines 51 – 67);
13. providing said pass through includes providing at least a transport pass through and an extended link service (ELS) pass through, (e.g., col. 9, lines 13 – 20);
14. each of said transport pass through and said extended link service (ELS) pass through being a binary pass through, each taking applied commands and passing said commands to said designated device in the storage area network, (e.g., col. 9, lines 13 – 20).
15. McCarty teaches providing said pass through includes providing at least a transport pass through, (e.g., col. 9, lines 38 – 61).
16. Furthermore, T11/99-594v2 teaches the standard topology discover extended link service known as Request Topology Information (RTIN). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Berman, McCarty

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and T11/99-594v2 with Gunlock because utilizing a pass through allows the system to send out specific protocol requests that can be responded to by other, similar devices on the network which ensures that proper queries of information are compatible between other neighboring nodes in the network. Furthermore utilizing a standard such as a link service or an Extended link service to implement a request would only take one of ordinary skill in the art to perform.

17. As per claim 4, as closely interpreted by the Examiner, Gunlock teaches as the step of providing predefined protocol functions for communicating with said device in the storage area network include the step of providing a transport protocol function, (e.g., col. 8, lines 1 – 48), but does not teach an extended link service (ELS) protocol function. Berman, McCarty and T11/99-594v2 teach an extended link service (ELS) protocol function, (e.g., as stated above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Berman, McCarty and T11/99-594v2 with Gunlock because it would be more efficient for a system to utilize ELS for responding to a payload translation during a public-to-private translation or private-to-public.

18. Referencing claim 6, as closely interpreted by the Examiner, Gunlock and McCarty teach the step of providing said pass through in said host bus adapter (HBA) device driver through a host bus adapter (HBA) for passing communications to a device in the storage area network from said SAN management application includes the step of providing said pass through for passing a plurality of commands, (cited areas stated above). It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to combine Berman, McCarty and T11/99-594v2 with Gunlock because of similar reasons stated above.

19. As per claim 8, as closely interpreted by the Examiner, Gunlock does not specifically teach the step of providing said pass through for passing at least one performance analysis command. Berman, McCarty and T11/99-594v2 teach the step of providing said pass through for passing at least one performance analysis command, (cited areas stated above). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Berman, McCarty and T11/99-594v2 with Gunlock because of similar reasons stated above and furthermore, it would be more efficient for a system to analyze the performance of a system in order to make sure that the system is running properly and when errors occur, they are easily identified and taken care of.

20. Claims 9 – 14 and 16 are rejected for similar reasons as stated above including claims 1, 6 and 10.

21. Claim 15 is rejected for similar reasons stated above.

22. Claims 2, 3, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunlock, Berman, McCarty and T11/99-594v2 as applied to the claims above and in further view of Haren (6557060).

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23. As per claim 2, as closely interpreted by the Examiner, Gunlock, Berman, McCarty and T11/99-594v2 teaches the step of utilizing said SAN management application for communicating with a HBA device driver includes the step of providing a management application agent coupled between an end user and a storage device, (e.g. col. 1, lines 35 – 45, “*transfer agent*”), but does not specifically teach the agent coupled between the management application and said HBA device driver. Haren teaches the agent coupled between the management application and said HBA device driver, (e.g. col. 4, lines 1 – 28, “...*agent (e.g. I/O controller)*...” & Figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Haren with the combine system of Gunlock, Berman, McCarty and T11/99-594v2 because an agent could perform management functions concerning which storage units and transmission information are within the scope or not within the scope for each node.

24. As per claim 3, as closely interpreted by the Examiner, Gunlock, Berman, McCarty and T11/99-594v2 do not specifically teach the step of utilizing said management application agent for providing predefined, fibre channel, protocol functions for communicating with said device in the storage area network. Haren teaches the step of utilizing said management application agent for providing predefined, fibre channel, protocol functions for communicating with said device in the storage area network, (e.g. col. 4, lines 1 – 28, “...*agent (e.g. I/O controller)*...” ). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Haren with the combine system of Gunlock, Berman, McCarty and T11/99-594v2 because of similar reasons as stated above.

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25. Claims 17 and 18 are rejected for similar reasons as stated above.

***Response to Arguments***

26. Applicant's arguments filed 06/22/2007 have been fully considered but they are not persuasive.

27. In the Remarks, Applicant cites areas of the prior art and argues in substance that Gunlock, Berman, McCarty and cited publication T11/99-594v2 do not teach the limitations stated in claims 1, 4, 6 and 8 – 16. Furthermore, Haren does not make up the lacking of the other cited prior art.

28. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. There is no comparing or referencing claim language with the prior art or pointing to what is specifically lacking in the prior art.

***Conclusion***

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

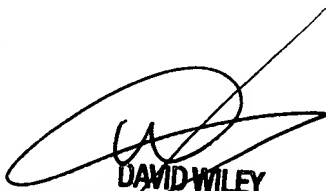
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2143

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